

DATE:	June 20, 2024
SUBJECT:	ESSER Waiver Request to USDE
CATEGORY:	Notice and Opportunity for Public Comment
NEXT STEPS:	Share with district leadership and provide comment, as applicable

The novel coronavirus (COVID-19) heavily impacted operations at the Texas Education Agency (TEA) and in over 1,200 local educational agencies (LEAs) and private schools in the state, with an impact that continues. The U.S. Department of Education (USDE) is offering state educational agencies the availability of a Tydings waiver of the carryover period to allow TEA to use unexpended administrative funds during the liquidation extension period. To date, USDE has not offered this waiver to LEAs, but TEA will proactively request the waiver for both TEA and LEAs.

The state believes that the following waivers will 1) improve student achievement, including closing the learning gaps caused by the pandemic; and 2) provide TEA and LEAs with greater flexibility to effectively implement oversight of their Elementary and Secondary Schools Emergency Response (ESSER) grants to serve the intended beneficiaries.

- 1. A waiver of section 421(b) of the General Education Provisions Act, which will extend the period of availability of administrative funds consolidated under the Elementary and Secondary Education Act (ESEA) section 8201 for TEA.**

Specifically, this waiver will allow TEA with remaining American Rescue Plan (ARP) ESSER, Emergency Assistance to Nonpublic Schools (EANS), or Homeless Children and Youth (HCY) programs administration funds to consolidate such funds with their ESEA administration funds and use this consolidated funding to address all the TEA administrative costs, including those associated with ARP reporting, monitoring, and close-out activities, through March 31, 2026.

- 2. A waiver of section 421(b) of the General Education Provisions Act, which will extend the period of availability of administrative funds consolidated under ESEA section 8201 for LEAs.**

Specifically, this waiver will allow LEAs with remaining ARP ESSER or HCY program administration funds to consolidate such funds with their ESEA administration funds and use this consolidated funding to address all the LEA's administrative costs, including those associated with ARP reporting, monitoring, and close-out activities, through February 28, 2026.

Please submit any comments on these proposed waivers electronically to GrantSupport@tea.texas.gov by **5 p.m. July 5, 2024**, to be included in the state's waiver application to USDE. Please note TEA that staff will not confirm receipt of or respond to comments submitted.

Contact Information

If you have questions regarding these waiver requests, please contact Cory Green, Associate Commissioner and Chief Grants Officer, at cory.green@tea.texas.gov.